IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 8344 of 2004

Between:

Mohideen, S/o Hassan,
India Government Mint, Hyderabad,

R/o Hyderabad.

..... PETITIONER

AND

1. The India Government Mint,

Hyderabad - 500 001

Rep. by its General Manager.
2 The Records Madras Engineer Group

Sivam Chetty Garden (P.O)
Bangalore - 560 042.

Rep. by its Officer-in-Charge Records.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, to call for the records relating to the Memo No.I-222/MOHIDEEN-550-DOB-PERSONAL/2003/2349 dated 29-8-2003 and as well as the Consequential Office Order No.I-271/Pers/2004/4472 dated 2-1-2004 from the file of the 1st

respondent and after perusal of the same set aside the said orders and as well as the Order dated 25-3-2004 in OA.NO. 53 of 2004 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad Bench at Hyderabad by declaring them as arbitrary, unjust and illegal and consequently declare that the date of birth of the petitioner is 10-8-1944 in terms of the date of birth certificate dated 27-10-1998 issued by the 2nd respondent and the petitioner is entitled to continue in service of the 1st respondent till 31-8-2004 and with all other consequential benefits monetary and otherwise, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following Order:(per G.BIKSHAPATHY.J)

This Writ Petition is filed challenging the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') in O.A.No.53 of 2004, dated 25-03-2004.

2. The petitioner is an illiterate person. However, he was initially appointed in the 2nd respondent-Madras Engineer Group of the Indian Army on 10-08-1963. It appears that at the time of his enrolment in the Indian Army, the petitioner was subjected to medical examination and his age was certified as 19 years. With reference to that, his date of birth was recorded as 10-08-1944 in the 2nd respondent records. After completion of his initial term of regular employment in the 2nd respondent, the petitioner was discharged from the Army service on 06-03-1971. Thereafter, he was employed in 1st respondent-Indian Government Mint in Class IV Service as Black Smith on 03-02-1972. Finally, he retired from service on 31-01-2004.

3. The grievance of the petitioner is that the date of birth mentioned in the records of the 1st respondent-Indian Government Mint as 31-01-1944 is not correct and it ought to have recorded on the basis of the Service records available with the 2nd respondent. If that is taken into consideration, the date of birth of the petitioner is 10-08-1944. Challenging the same, the petitioner filed O.A. before the Tribunal and the said O.A. was dismissed by order dated 25-03-2004. Assailing the said order, the present writ petition is filed.

4. Learned Counsel for the petitioner makes elaborate arguments on question of fixation of date of birth. He submits that the petitioner is an illiterate person, and at the time of petitioner's joining in the 2nd respondent, his date of birth was recorded as 10-08-1944 taking into consideration the medical certificate. He further submits that when the petitioner was reemployed in 1st respondent Organisation, the 1st respondent recorded his date of birth as 31-01-1944, which is incorrect, and therefore, sought for setting aside the order of the Tribunal.

5. We have heard the learned Counsel for the petitioner and also perused the order of the Tribunal.

6. When the petitioner was reemployed in the 1st respondent organisation, he was again sent for medical examination and his age was assessed. Service records were opened and the initials of the petitioner as per the rules were obtained. Further, seniority list of employees was also prepared. The date of birth of the petitioner was recorded as 31-01-1944 and the petitioner did not raise his grievance throughout his service. Only at the fag end, he complains that his date of birth has not been recorded correctly. The Tribunal refused to accept the submissions made by the petitioner for change of date of birth.

7. Under these circumstances, we do not find any ground to interfere with the order of the Tribunal. Accordingly the writ petition is dismissed. However, the 1st respondent is directed to settle the terminal benefits of the petitioner, if any, expeditiously. No costs.

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28th June, 2004

usd

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The India Government Mint,

Hyderabad - 500 001

Rep. by its General Manager.

2 The Officer-in-Charge Records,

Records Madras Engineer Group

Sivam Chetty Garden (P.O)
Bangalore - 560 042.

3 2CCs to Standing Counsel for Central Government.

4 2CD copies